

Notice of Allowability

Application No.

09/829,887

Examiner

Ovidio Escalante

Applicant(s)

MEAD ET AL.

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/25/05.
2. ☒ The allowed claim(s) is/are 1-7,10-11,13-15,21-35,39-40,42-46,48-54,58-66,69-71 and 73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/25/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 25, 2005. **Claims 1-7,10-11,13-15,21-35,39-40,42-46,48-54,58-66,69-71 and 73** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 25, 2005 has been entered.

Information Disclosure Statement

3. The information disclosure statement submitted on October 25, 2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1,35 and 69, as noted therein, the claimed invention requires *inter alia* combining e-mail from a plurality of passengers into a storage queue and to transfer to e-mail according to both an immediate mode with an allocated block of data and a batch mode having a second cost that is lower than the first cost and when the system transfers messages having a high priority with the immediate node and to transfer message with a lower priority with the immediate mode if excess bandwidth exists and otherwise transferring the lower priority in the

Art Unit: 2645

batch mode to minimize the overall cost of operating the system whereas the closest prior art Bastian, Wright and Lundberg only teach of transferring messages using both modes and selecting the transfer mode with the lowest cost unless the message sender pays for sending the e-mail for immediate transmission and do not teach or suggest combining e-mail from a plurality of passengers into a storage queue and to transfer to e-mail according to both an immediate mode with an allocated block of data and a batch mode having a second cost that is lower than the first cost and when the system transfer message having a high priority with the immediate node and to transfer message with a lower priority with the immediate mode if excess bandwidth exists and otherwise transferring the lower priority in the batch mode to minimize the overall cost of operating the system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 1-7,10-11,13-15,21-35,39-40,42-46,48-54,58-66,69-71 and 73 have been renumbered to claims 1-3,10-26,4-9,27-34,38-44,35-36,46-49,37,45,50-54 respectively.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leuca et al. US Patent Pub. 2003/00453811 teaches messaging method for airborne passengers in which transmission of the message is sent when there is sufficient bandwidth.

Leuca does not specifically teach combining e-mail from a plurality of passengers into a storage

Art Unit: 2645

queue and to transfer to e-mail according to both an immediate mode with an allocated block of data and a batch mode having a second cost that is lower than the first cost and when the system transfer message having a high priority with the immediate node and to transfer message with a lower priority with the immediate mode if excess bandwidth exists and otherwise transferring the lower priority in the batch mode to minimize the overall cost of operating the system.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Primary Patent Examiner
Group 2645
November 4, 2005

O.E./oe